

# FAX COVER SHEET

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Our File Number:  
2553.1

DATE: March 8, 2006  
TO: Commissioner for Patents / Mail Stop Petition  
FAX #: (571) 273-8300  
FROM: Ted Anthony  
RE: Petition for Revival of an Application

Number of pages including this cover pages: 11

MESSAGE: See Attached Petition for Revival of an Application being sent by first class mail today.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL TO US BY MAIL WITHOUT MAKING A COPY. THANK YOU.

DATE SENT: \_\_\_\_\_

TIME SENT: \_\_\_\_\_

SENDER'S INITIALS: \_\_\_\_\_

MAILING ADDRESS:  
P. O. DRAWER 3408  
LAFAYETTE, LOUISIANA 70502-3408

TED M. ANTHONY  
TANTHONY@PERRETDOISE.COM

**PERRET DOISE**  
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MAR 08 2006

OUR FILE NUMBER:  
2553.1

March 8, 2006

**VIA FACSIMILE (571) 273-8300**  
**AND FIRST CLASS MAIL**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: "Rotary Engraving Apparatus"  
Applicant: Lundberg, John D.  
Application No.: 10/782,428  
Examiner: Minh H. Chau (previously Charles H. Nolan)

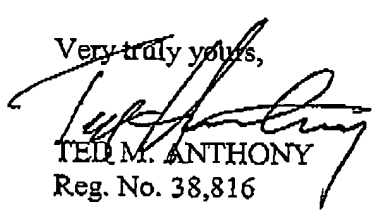
Dear Commissioner:

Enclosed in connection with the above referenced application are the following:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
2. Statement Contesting Abandonment and Establishing Unintentional Delay, along with Exhibit "A";
3. Check in the amount of \$750.00 for required fees; and
4. Self-addressed, stamped postcard which we would appreciate your date stamping and returning to our attention upon receipt.

Thank you very much for your assistance. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
TED M. ANTHONY  
Reg. No. 38,816

TMA/jh  
Enclosures

F:\DATA\Tma\2553 1\Xerox\ch.Rouxy\corro\commissioner.3 revival of app.wpg

MAR 08 2006

PTO/SB/24 (10-05)

Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: John D. Lundberg

Application No.: 10/782,428

Art Unit: 2854

Filed: February 18, 2004

Examiner: Minh H. Chau (/ C. H. Nolan)

Title: "Rotary Engraving Apparatus"

Attention: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
 action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
 date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
 filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
 the form of N/A (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ N/A

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
 USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
 complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
 comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
 U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
 FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 08 2006

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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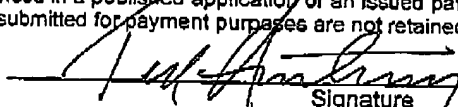
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
 Signature

 March 8, 2006  
 Date

 Ted M. Anthony  
 Typed or printed name

 38,816  
 Registration Number, if applicable

 600 Jefferson Street, Suite 1800  
 Address

 337.262.9000  
 Telephone Number

 Lafayette, Louisiana 70501  
 Address
Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

March 8, 2006

Date

  
 Signature

 Ted M. Anthony  
 Typed or printed name of person signing certificate

MAR 08 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant: Lundberg, John D.

Serial No.: 10/782,428

Art Unit: 2854

Filed: February 18, 2004

Examiner: Minh H. Chau (previously Charles H. Nolan)

For: "Rotary Engraving Apparatus"

**STATEMENT CONTESTING ABANDONMENT AND ESTABLISHING  
UNINTENTIONAL DELAY**

Applicant originally filed the above-referenced application on February 18, 2004.

Applicant subsequently responded to the First Office Action in this matter on May 23, 2005.

Applicant received no other correspondence or communication from the U.S. Patent & Trademark Office ("USPTO") until Applicant received a Notice of Abandonment dated December 29, 2005, a copy of which is attached hereto as Exhibit "A." Although the subject Notice of Abandonment references some type of communication dated June 6, 2005, Applicant has never received such communication.

Applicant respectfully asserts that abandonment of the subject application is improper. After filing its Response to First Office Action on May 23, 2005, Applicant has not received any additional correspondence or other communication from the USPTO. At the time that the

enclosed Notice of Abandonment was received, undersigned counsel for Applicant fully believed that the matter was in good standing and pending with the Examiner. Receipt of the Notice of Abandonment was a complete surprise to undersigned counsel and Applicant.

Following receipt of the Notice of Abandonment, undersigned counsel undertook an  
5 extensive search of all files related to this matter and other matters being handled on behalf of Applicant. Part of this search involved retrieving certain file materials from closed storage, which added to the delay associated with the present filing. As a result of this detailed search, undersigned counsel has not located any correspondence or other communication from the USPTO dated June 6, 2005 or otherwise related to this matter.

10 In summary, Applicant asserts that abandonment of the subject application was improper and not warranted under the circumstances. Applicant never received the correspondence that allegedly gave rise to the subject abandonment. Applicant, through undersigned counsel, hereby avers and represents that it has never received the June 6, 2005 communication from the USPTO referenced in the attached Notice of Abandonment, or any other similar communication in this  
15 matter.

Applicant hereby encloses a check in the amount of \$750.00 as the required filing fee for this Petition. Applicant respectfully asserts that, under the circumstances, this matter should never have been abandoned. Accordingly, Applicant respectfully requests a waiver of this fee in this case. In the event that it is determined that abandonment was in fact proper, then Applicant  
20 respectfully represents that such abandonment was completely unintentional.

Applicant's representative, Ted M. Anthony, can be reached by telephone at (337) 262-9000 or facsimile at (337) 262-9001.

Respectfully submitted:

PERRET DOISE, APLC

Date: March 8, 2006

By: 

TED M. ANTHONY (Reg No. 38,816)  
Post Office Drawer 3408  
Lafayette, LA 70502  
Telephone: (337) 262-9000

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MAR. 8. 2006 4:09PM

PERRET-DOISE

NO. 061 P. 8/10



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,428	02/18/2004	John D. Lundberg		6703

7590

12/29/2003

Ted M. Anthony  
Perret Doise  
Suite 1200  
600 Jefferson Street  
Lafayette, LA 70501

EXAMINER

CHAU, MINH H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





AK

**Notice of Abandonment**

Application No.

10/782,428

Examiner

Minh H. Chau

Applicant(s)

LUNDBERG ET AL.

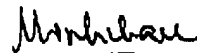
Art Unit

2854

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 June 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

MINH CHAU  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 12/23/2005

MAR. 8. 2006 4:10PM

PERRET-DOISE

NO. 061 P. 10/10

PERRET DOISE  
A PROFESSIONAL LAW CORPORATION

77353

Filing fee  
2553/1

Xenotech/Rotary Electronics

1160

750.00

77353

750.00

5036

ORIGINAL DOCUMENT HAS FLUORESCENT FIBERS, A VOID PANTOGRAPH AND A MICROPRINT SIGNATURE LINE

PERRET DOISE  
A PROFESSIONAL LAW CORPORATION  
OPERATING ACCOUNT  
P.O. DRAWER 3403, 337-262-3000  
LAFAYETTE, LA 70502

77353

DATE  
3/08/06  
2006

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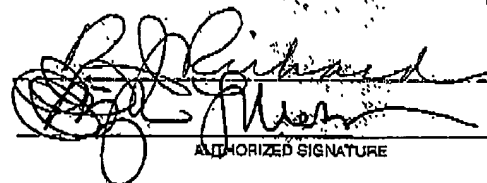
PAY  
THE  
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OF

\*\*\*\*\* SEVEN HUNDRED and FIFTY 00/100 DOLLARS

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LAFAYETTE, LA  
84-13 / 854

Commissioner for Patents

PO Box 1450  
Alexandria, VA 22313-1450

  
AUTHORIZED SIGNATURE

⑈077353⑈ ⑆065400137⑆ 1523 95 9⑈

BEST AVAILABLE COPY